

REMARKS

Claims 29-31, 52-66, and 70-72 are pending in the above identified patent application. Claims 32-51 have been cancelled without prejudice. Claims 55, 58-66, and 70-72 are currently withdrawn from consideration. Of the claims at issue, claims 29 and 52 are independent. In view of the following remarks, reconsideration of the application is respectfully requested.

The Rejections under 35 U.S.C. § 102

Pending claims 29-31, 52-54, and 56-57 were rejected as anticipated by Overholt et al. (US 5,435,108). It is respectfully submitted that claim 29, as well as original independent claim 52 are allowable over this patent for at least the reasons set forth below.

Independent claim 29 is generally directed to a door that is able to recover from an impact. In particular, claim 1 recites, *inter alia*, a first door panel (note: singular) composed of a resilient core, a flexible covering, and a plurality of adjacent relatively rigid segments interposed between the resilient core and the flexible covering.

Overholt does not describe the recited elements, because Overholt fails to teach or suggest a door panel with a plurality of adjacent relatively rigid segments interposed between the core and covering as claimed. Specifically, Overholt is directed to a plurality of rigid, insulated garage door panels (note: plural), each panel 24 having a single foam core 60 surrounded by a rigid thin outer metal skin 50, where each of the plurality of panels 24 are coupled to each other by a hinge 68 that is fastened to two consecutive panels 24 by bolts 70 that extend through U-shaped reinforcing members 72. See Overholt FIG. 2. The present Office action provides a very broad definition of “segment” in an attempt to stretch the claims to read on Overholt. However, regardless of whatever meaning is given to the term “segments,” the two structures identified by the Office as alleged “segments” are not positioned so that these structures could be the segments recited in the claims.

More specifically, consider that the U-shaped reinforcing members 72 are “segments” as alleged by the examiner, a point the applicants do not concede. These alleged “segments” are not adjacent within the same panel, as the claims recite. Overholt clearly shows the U-shaped members 72 at opposite ends of a panel and thus, not adjacent. Therefore, the examiner erred in asserting that the U-shaped members 72 of Overholt are segments, as recited in the claims. Further, the placement of two panels next to each other in Overholt such that the U-shaped member 72 at the top of one panel 24 is near the U-shaped member 72 at the bottom of the next panel 24 cannot be said to be identical or equivalent to the recitation in the current claims that the segments be adjacent in one panel. The examiner essentially admits on page 3 of the present action that the applicants’ claiming of one panel is patentability distinct from the prior art’s description of two or more panels. Thus, the U-shaped members 72 in Overholt are not “adjacent relatively rigid segments” as the claims recite.

Further, assuming the bolts 70 are “segments” as alleged by the examiner, a point to which the applicants do not concede, these bolts 70 are not interposed between the core and the cover, as the claims recite, rather one end of a bolt 70 projects through the skin 50 and into the core 60, while the other end of the bolt 70 remains on the exterior of the skin 50. This configuration is not “between.” Consider the analogy of a flag marking a hole on a golf course: the flag is positioned in a bore through the grass and into the soil, but the flag is not “between” the grass and the soil. There is simply no segment in Overholt between the core and the cover. Thus, the bolts 70 in Overholt are not “segments interposed between the resilient core and the flexible covering” as the claims recite.

With respect to the examiner’s statement regarding applicants’ arguments that the present claims recite one panel and not a plurality of panels, the applicants would like to acknowledge that the present claims do recite a single panel as noted by the examiner.

Furthermore, the single panel of the present claims is patentably distinct over the prior art because, as admitted by the examiner, the prior art teaches the use of multiple panels.

It is well settled that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Thus, because Overholt is missing at least the several claim recitations discussed in detail above, Overholt fails to describe all of the recitations of claim 29. Therefore, Overholt cannot anticipate claim 29 or any claims that depend therefrom.

Furthermore, with respect to claim 52, the Office action fails to present a *prima facie* case of anticipation. Specifically, the Office action never provides any allegation, suggestion or even mention of any description in Overholt for several of the recitations of claim 52, not the least of which include “an actuation system coupled to the door and adapted to move the door laterally” or “an articulated assembly operatively associated with at least one of the resilient core and the flexible covering.” Consequently, the Office’s rejection of claim 52 is on its face deficient and made in error. Applicants maintain that Overholt fails to describe each and every recitation of the claims.

As stated above, it is well settled that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros.*. Thus, because Overholt is missing at least the several claim recitations discussed in detail above, Overholt fails to describe all of the recitations of claim 52. Therefore, Overholt cannot anticipate claim 52 or any claims that depend therefrom.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested.

If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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Dated: March 15, 2007

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